

House Bill 726

In The House

February 12, 1981	Introduced and referred to Committee on Education.
February 20, 1981	Committee recommend bill do pass as amended.
February 21, 1981	Bill printed and placed on members' desks.
February 23, 1981	Second reading do pass
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading passed.

In The Senate

March 3, 1981	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 25, 1981	Committee recommend bill concurred as amended.
March 27, 1981	Second reading concurred.
March 30, 1981	Third reading not concurred.

In The House

March 31, 1981	Returned from Senate not concurred.
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1 HOUSE BILL NO. 726  
2 INTRODUCED BY VINCENT

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW CERTIFIED  
5 SCHOOL EMPLOYEES TO ADMINISTER A PRESCRIBED MEDICINE TO A  
6 STUDENT IF THE TRUSTEES OF THE SCHOOL DISTRICT HAVE  
7 ESTABLISHED A WRITTEN POLICY THAT INCLUDES CERTAIN  
8 CONDITIONS FOR THE ADMINISTRATION OF PRESCRIBED MEDICINES."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Administration of prescribed medicine by  
12 certified school employees. (1) A certified school employee  
13 may administer a prescribed medicine to the student for whom  
14 it is prescribed if the trustees of the school district have  
15 established a written school district policy that conforms  
16 to the provisions of [section 2].

17 (2) A school nurse or certified school employee who in  
18 good faith administers a prescribed medicine to a student  
19 pursuant to the provisions of [section 2] and in compliance  
20 with the written instructions of the physician who  
21 prescribed the medicine is not liable in a criminal action  
22 for civil damages as a result of the administration except  
23 for an act or omission constituting gross negligence or  
24 willful or wanton misconduct.

25 (3) For the purposes of [this act], "certified school

1 employee" means a school employee who is certified under the  
2 provisions of Title 20, chapter 4, part 1.

3 Section 2. Establishment of policy on administration  
4 of medicine. The trustees of a school district may establish  
5 a written policy and procedure to allow a certified school  
6 employee of the district to administer a prescribed medicine  
7 to a student for whom medicine is prescribed, providing that  
8 the policy includes the following conditions:

9 (1) the physician who prescribes the medicine must  
10 indicate by written statement that the medicine must be  
11 taken during school hours for the desired result and the  
12 statement must include all other pertinent information that  
13 may be required for the proper administration of the  
14 prescribed medicine;

15 (2) the parent or guardian must give written  
16 permission for the administration of the prescribed medicine  
17 at school and must deliver in person the permission, the  
18 physician's statement, and the prescribed medicine to the  
19 school employee who will be administering the medicine;

20 (3) the school employee who administers the prescribed  
21 medicine must store the medicine, when not being  
22 administered, in a safe place within the school, other than  
23 a classroom until the parent or guardian claims any unused  
24 portion; and

25 (4) at no time may any school employee allow the

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1 student or any other student to have possession of the  
2 prescribed medicine.

3 Section 3. Codification instruction. Sections 1 and 2  
4 are intended to be codified as an integral part of Title 20,  
5 chapter 4, part 3, and the provisions of Title 20 apply to  
6 sections 1 and 2.

-End-

Approved by Committee  
on Education

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11 Section 1. Administration of prescribed medicine by  
12 certified school employees. (1) A certified school employee  
13 may administer a prescribed medicine to the student for whom  
14 it is prescribed if THE CERTIFIED SCHOOL EMPLOYEE ELECTS TO  
15 ADMINISTER SUCH A PRESCRIBED MEDICINE AND the trustees of  
16 the school district have established a written school  
17 district policy that conforms to the provisions of [section  
18 2].

19 (2) A school nurse or certified school employee who in  
20 good faith administers a prescribed medicine to a student  
21 pursuant to the provisions of [section 2] and in compliance  
22 with the written instructions of the physician who  
23 prescribed the medicine is not liable in ~~a criminal action~~  
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March 25, 1981

SENATE STANDING COMMITTEE REPORT  
(Public Health, Welfare & Safety)

That House Bill No. 726 be amended as follows:

1. Page 1, line 14.

Following: "if"

Insert: "the certified school employee elects to administer such  
a prescribed medicine and"

2. Page 2, line 20.

Following: "(3) the"

Insert: "certified"